

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9352-AG11-0511-084

IN THE MATTER OF:

Mario Roca,

Respondent,

3778 NW 13th Street
Miami, FL 33126

License Number 671943

Type of Agency Action: Enforcement

FILED

MAY 17 2011

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code 4-21.5-1 et seq. and the Indiana Insurance Producers Act, Indiana Code 27-1-15.6-12, hereby gives notice to Mario Roca ("Respondent") of the following Administrative Order:

1. Indiana Code 27-1-15.6-12(b) provides that "The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke and insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions ..."

2. Indiana Code 27-1-15.6-12(d) provides that when the Commissioner refuses to renew a license, the Commissioner shall notify the Respondent, in writing, of the reasons for the nonrenewal.

3. Respondent, a resident of Florida, holds Indiana non-resident insurance producer license number 671943.

4. Respondent's Indiana non-resident insurance producer license, which was acquired on October 19, 2009, expires on October 31, 2011.

5. On or about May 3, 2010, the Department received a letter from Respondent stating that Kansas revoked his non-resident producer license. A copy of the Final Order was acquired. In that order, the Kansas Commissioner found that Respondent had demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business. The Kansas Commissioner ordered that Respondent's Kansas non-resident insurance producer license be revoked. The Commissioner further ordered that Respondent cease and desist from the sale, solicitation, or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation, or negotiation of insurance conducted after the effective date. The effective date of the Final Order was March 19, 2010.

6. On or about February 17, 2011, a criminal records search was conducted by Department Investigator Mike Herndon through the 17th Florida Courts/Clerks website. The search revealed that a criminal charge of Petit Theft, a misdemeanor, was filed against Respondent on October 13, 1994, Broward County, Florida, Case Number 94018318MO10A. Adjudication was withheld. Another criminal charge, Possession of Cannabis/20 grams or less, a misdemeanor, was filed against Respondent on December 17, 2009, Broward County, Florida Case Number 09027898MM10A. Adjudication was withheld on that case also.

7. On October 18, 2009, Respondent answered "No" to question number one on his application for an Indiana non-resident insurance producer license. This question asked whether or not Respondent had ever been convicted of, or was currently charged with, committing a crime. Question number one also explains that "conviction" includes, but is not limited to,

having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

8. On August 23, 2010, the Department received a notice from Golden Rule Insurance Company that Respondent's appointment had been terminated for cause.

9. On April 15, 2011, research through NAIC's I-Site data base revealed that Respondent's Florida resident producer license was inactive, status date March 25, 2011. Investigator Judd Dando, Florida Department of Financial Services, stated that Respondent was deficient of education points. A Final Letter of Warning was sent to Respondent on February 8, 2011. Respondent failed to respond to the warning letter.

10. Respondent failed to report to the Commissioner an administrative action taken against him in another jurisdiction not more than thirty (30) days after the final disposition of the matter.

11. Respondent provided incorrect, misleading, and materially untrue information in a license application.

12. Respondent obtained a license through misrepresentation and fraud.

13. Respondent failed to report to the Commissioner criminal prosecutions that were initiated against Respondent, within thirty (30) days after his initial pretrial hearing dates.

14. Respondent had his insurance producer license revoked in Kansas.

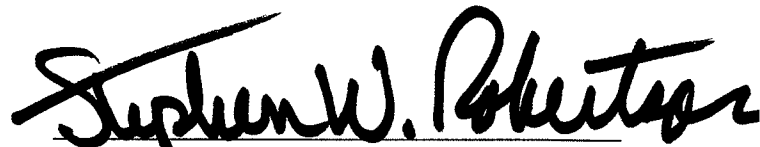
15. Respondent's conduct, alleged herein, is cause for disciplinary action in accordance with Indiana Code 27-1-15.6-12(b)(1), 27-1-15.6-12(b)(2)(A), 27-1-15.6-12(b)(3), 27-1-15.6-12(b)(9), 27-1-15.6-17(a), and 27-1-15.6-17(b).

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed.**

WHEREFORE, the Commissioner further notifies Respondent that pursuant to Indiana Code 27-1-15.6-12(d), within sixty (60) days of receiving this Notice, Respondent may make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

5-17-11

Date Signed



Stephen W. Robertson

Commissioner

Indiana Department of Insurance

Distributed To:

Nick Mann
Indiana Department of Insurance
311 W. Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Mario Roca
3778 NW 13th Street
Miami, FL 33126

Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone – (317) 234-5888
Fax – (317) 234-2103